

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

AMY ELLERT

CASE NO. 1:07cv026

Plaintiff

Judge Barrett

-VS-

CHIPOTLE MEXICAN GRILL, INC.

Defendant

JURY VERDICT FORM

1. Do you find that Plaintiff, Amy Ellert, proved by a preponderance of the evidence that Defendant, Chipolte Mexican Grill, Inc. terminated her for taking FMLA leave.

☒ Yes

☐ No

____s/Juror 1_____

____s/Juror 2_____

____s/Juror 3_____

____s/Juror 4_____

____s/Juror 5_____

____s/Juror 6_____

____s/Juror 7_____

____s/Juror 8_____

If you answer this Question "No," do not answer the following questions. If you answer the Question "yes" answer the following questions.

2. What amount of money, if any, if paid now in cash, do you find would fairly and reasonably compensate Plaintiff for the actual monetary losses, if any, that Plaintiff suffered because Defendant, Chipotle Mexican Grill terminated her for taking FMLA leave? This may include back pay and front pay.

a. Back Pay

Back pay includes wages, bonuses, and benefits, calculated from the date of discharge to the date when you, the jury, return the verdict. You may include in the amount all forms of compensation Plaintiff would have earned including salary, bonuses, and benefits.

Following the consideration of the factors described in the instructions, do you find that the Plaintiff has suffered actual monetary losses?

☒ Yes

☐ No

____s/Juror 1_____

____s/Juror 2_____

____s/Juror 3_____

____s/Juror 4_____

____s/Juror 5_____

____s/Juror 6_____

____s/Juror 7_____

____s/Juror 8_____

b. Answer in dollars and cents the amount that you find would fairly compensate Plaintiff for actual money losses.

\$____55,000.00_____

c. Mitigation of Back Pay Damages

Following the consideration of the factors described in the instructions, do you find that the Defendant has proved by a preponderance of the evidence that the Plaintiff failed to mitigate her back pay damages?

☐ Yes

☒ No

____s/Juror 1_____

____s/Juror 2_____

____s/Juror 3_____

____s/Juror 4_____

____s/Juror 5_____

____s/Juror 6_____

____s/Juror 7_____

____s/Juror 8_____

If you answer this Question "No", do not answer the following question d. If you answer this Question "Yes", answer the following question.

d. Answer in dollars and cents the amount by which Plaintiff's damages are to be reduced by consideration of the factors described in the instructions.

\$_____

3. Front Pay

Front pay, as defined in the instructions, may include the amount Plaintiff reasonably would have earned from the day you return a verdict, until the date you find Plaintiff's loss of front pay will cease.

Following the consideration of the factors as described in the instructions, do you

find that the Plaintiff is entitled to receive front pay damages?

☒ Yes

☐ No

____s/Juror 1_____

____s/Juror 2_____

____s/Juror 3_____

____s/Juror 4_____

____s/Juror 5_____

____s/Juror 6_____

____s/Juror 7_____

____s/Juror 8_____

If you answer this Question “No”, do not answer the following questions. If you answer this Question “Yes”, answer the following questions.

a. Answer in dollars and cents the amount you find would fairly compensate Plaintiff for front pay.

\$__18,000.00_____

b. Mitigation of Front Pay Damages

This amount shall be reduced by the amount you find Defendant, by a preponderance of the evidence that Plaintiff will be able to earn during that same period. This sum is then to be reduced to its present value. Any award of front pay you make is limited to the amount required to place Plaintiff in the position she would have occupied in the absence of a violation of the FMLA.

Following the consideration of the factors described in the instructions, do you

find, by a preponderance of the evidence that the Plaintiff failed to mitigate her front pay damages?

☐ Yes

☒ No

____s/Juror 1_____

____s/Juror 2_____

____s/Juror 3_____

____s/Juror 4_____

____s/Juror 5_____

____s/Juror 6_____

____s/Juror 7_____

____s/Juror 8_____

If you answer this Question "No", do not answer the following questions. If you answer this Question "Yes", answer the following questions.

c. Answer in dollars and cents the amount by which Plaintiff's damages are to be reduced by consideration of the factors listed above.

\$_____

____s/Foreperson_____
FOREPERSON

DATE: __10/3/2008_____